

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BRICE YINGLING d/b/a ALAMO AUTO SPORTS and
ANDY SCOTT

vs.

Case No. C 09 01733

EBAY, INC.

OBJECTION TO SETTLEMENT

COMES NOW the undersigned class member, Christopher L. Graeser, *pro se*, and files
his objection as follows:

1. My name is: Christopher L. Graeser
2. My current address is: 3600 Cerrillos Road #719F Santa Fe, NM 87507
3. My phone number is: (505) 424-8175
4. My email address is: chris@chrisgraeser.com
5. My ebay user ID is: delaney31
6. The basis of my objection is:

As has become typical, class members are to receive less than 7% of what they were charged – unlikely to be more than pocket change – and class counsel will receive up to 7.5 million dollars. Even the named representatives receive only \$15,000. Having achieved class certification, the Defendant presumably could not take the risk of trial – or perhaps even internally acknowledged liability. Either way, at that point class counsel put their own interests above those of their clients. Class counsel had little incentive to maximize the settlement fund so long as they could negotiate a large enough share of it. Defendant's interests similarly argued for minimizing the fund in exchange for agreeing to large counsel fees. As a member of the bar, I am

appalled at the wholesale abdication of class counsel's responsibilities to their clients in their quest to maximize their own fees. The model behavior of a lawyer is to be able to make a meaningful difference in their clients' lives. Class counsel here makes essentially no difference in their clients' lives but a presumably significant difference in their own. This is barratry.

7. I do not intend to appear at the final fairness hearing.

Respectfully Submitted,

Christopher L. Graeser
3600 Cerrillos Road #719F
Santa Fe, NM 87507
(505) 424-8175

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on the following on this 17th day of January, 2011:

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Christopher L. Graeser